

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

YATRAM INDERGIT, on behalf of himself
and others similarly situated,

Plaintiff,

vs.

RITE AID CORPORATION,¹ RITE AID OF
NEW YORK, INC. and FRANK
OFFOR as Aider & Abettor,

Defendants.

**08 Civ. 9361 (JPO) (HBP)
ECF Case**

**NOTICE OF DEFENDANTS' MOTION
FOR RECONSIDERATION**

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To: Robert John Valli, Jr.
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PLEASE TAKE NOTICE THAT Defendants Rite Aid Corporation and Rite Aid of New York, Inc. ("Defendants") hereby move this Court, before the Honorable Judge Paul Oetken, on a date and time to be determined by the Court, to reconsider the Court's September 26, 2013 Opinion and Order granting Plaintiff's motion for Rule 23 class certification of his NYLL claims "as to liability" and denying Defendants' motion for decertification of Plaintiff's FLSA claim. (Dkt. No. 239, Order at 1.)

¹Rite Aid Corporation was not, and never has been during the relevant time frame, any Plaintiff's employer. Rite Aid Corporation appears specially and without waiver of any jurisdictional defenses.

In support of this Motion, Defendants submit their Brief in Support of Defendants' Motion for Reconsideration.

Respectfully submitted, this the 10th day of October, 2013.

s/ Daniel E. Turner

Daniel E. Turner

(admitted *Pro Hac Vice*)

Tracey T. Barbaree

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2013, the foregoing document was filed via the Court's CM/ECF system, and was automatically served via electronic mail on all counsel of record:

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Dated: October 10, 2013
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s/ Daniel E. Turner
Attorney for Defendants Rite Aid of
New York, Inc. and Rite Aid
Corporation